

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

John Barber

v.

Civil No. 14-cv-98-JL

Richard Gerry, Warden, New
Hampshire State Prison, et al.

O R D E R

Plaintiff John Barber, who is currently incarcerated at the New Hampshire State Prison, brings this civil action under [42 U.S.C. § 1983](#) against the warden and a former corrections officer at the prison. Barber alleges that the officer permitted another inmate to assault him, and that, following the assault, the warden ordered that Barber be placed in an isolation unit at the prison, where he was kept for six consecutive days without access to clean clothing and hygiene products, and with no opportunity to leave his cell. Having conducted a preliminary review of Barber's complaint pursuant to [28 U.S.C. § 1915A\(a\)](#) and [Local Rule 4.3\(d\) \(2\)](#), the court concludes that Barber has stated cognizable claims for failure to protect and cruel and unusual punishment, both in violation of the Eighth Amendment. (This conclusion is, of course, without prejudice to the defendants moving to dismiss the claims against them.)

Accordingly, the Clerk's office is directed to serve the New Hampshire Office of the Attorney General ("AG"), as provided in the Agreement on Acceptance of Service, electronic copies of this

Order and the complaint (document no. 1). See LR 4.3(d) (2) (C). Within thirty days from receipt of these materials, the AG will submit an Acceptance of Service notice to the court specifying whether the defendants have authorized the AG to receive service on their behalf. When the AG files the Acceptance of Service, service will be deemed made on the last day of the thirty-day period.

If either defendant does not authorize the AG to receive service on his behalf, or the AG declines to represent either defendant, the AG shall, within thirty days from receipt of the aforementioned materials, provide to the court the last known address of the defendant. In that event, the Clerk's office is instructed to complete and issue a summons for the defendant, using the last known address provided, and forward the summons, along with the above-listed documents, to the U.S. Marshal to complete service on the defendant in accordance with this Order and Fed. R. Civ. P. 4(c) (3).

The defendants shall answer or otherwise plead within twenty-one days of service. See Fed. R. Civ. P. 12(a) (1) (A). The plaintiff is instructed that all future pleadings, written motions, notices, or similar papers shall be served directly on the defendants by delivering or mailing the materials to the defendants or their attorney(s), pursuant to Fed. R. Civ. P. 5(b).

SO ORDERED.

A handwritten signature in black ink, reading "Joe Laplante", written over a horizontal line.

Joseph N. Laplante
United States District Judge

Dated: April 21 , 2014

cc: John Barber, pro se